	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/786,863	GROENENDAAL ET AL.
	Examiner	Art Unit	
	MICHAEL PHAM	2167	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>17 November 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☒ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet.* (See 37 CFR 1.116 and 41.33(a).)

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: <u>none</u>.

   Claim(s) objected to: <u>none</u>.

   Claim(s) rejected: <u>1-20</u>.

   Claim(s) withdrawn from consideration: <u>none</u>.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
     See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

   /John R. Cottingham/
   Supervisory Patent Examiner, Art Unit 2167

Continuation of 3. NOTE: Claims 21-23 are new and therefore require further consideration and/or search..

 Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed 11/17/08 have been fully considered but they are not persuasive. Applicant's primarily assert the following:

A. Applicant's assert that a relational mapper embodied in a machine-readable medium and operable to translate the relational query received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the network device is not disclosed. In particular applicant's assert that there to translate the relational query received through the relational interface from the software application, to native protocol messages according to an access protocol associated with the network device is not disclosed.

In response, the examiner respectfully disagrees. Applicant's appear to mainly assert that the limitation is not taught because a translation does not occur. Col. 6 lines 54-58 discloses the database manages data tables that store information sets that define what needs to be collected from devices in the network 108, and the information needed by the collection engine 20 to interpret the information collected from the network 108. Further disclosing col. 7 lines 24-26, the collection engine using a function call that requests the collection engine using a function call that requests the collection engine to collect data from a particular network device.   Accordingly, the collection engine interprets the request. Applicant's further assert that there is no native protocol according to an access protocol, and therefore the limitation is not disclosed. Col. 7 lines 30-32, in response to the collection request the collection engine enters state 2, in which it sends an SNMP message over the network to the network device. Accordingly, to a native protocol messages (SNMP messages queries) according to an access protocol (SNMP, col. 1 line 26).

In regards to the limitation, a relational mapper embodied in a machine-readable medium (figure 1 element 102, network management server) and operable to translate (figure 2 states 1-3; col. 6 lines 54-58, interprets) the relational query (col. 7 lines 27-28, collection request) received through the relational interface (figure 1 element 102, network management server) from the software application (col. 7 line 24, application program), to native protocol messages (col. 7 lines 30-32, SNMP message queries) according to an access protocol (SNMP, simple network management protocol, col. 1 line 26) associated with the network device (figure 1 element 118).

The claims are therefore deemed broad enough to be disclosed by the cited reference. The rejection is therefore maintained.